

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

08-180

**NOTICE OF OBJECTION OF HERBERT MCMILLIAN *for CREDITOR'S***  
**TO TWA INC. POST-CONFIRMATION OF PLAN, FORTY-SEVENTH**

HERBERT MC MILLIAN, *PRO SE* for Creditor's, as Individual, has Served and Filed a **notice** of OBJECTIONS, pursuant to *bankruptcy crimes* of section 152 to 158 of 18 USC; relating to *materially fraudulent, intentionally falsify written statements* in bankruptcy scheduled of *Docketing a Trans World Airlines Inc Post-Confirmation of a Plan, and Declaration, in Forty-Seventh of Debtors/Estate's*, by its Plan Administrator, and counsel's of record for scheduled- omnibus - hearings" on April 17, 2008 at 9:a.m. in the above Court. Is governed by Rule 9014(a) (c) (d) of contested matters, and relation to other Rules 3008; 3019 and 3020 and Status and Code 586 and 589 of USC-28.

(1). According this Court shall **remand for reconsider**, *previously* Automatic STAY of Modify ORDER, for Trial by Jury under 11 USC-362 (*attached*) thereof, pending conclusion of law on the written findings of facts and state of law “allowing certain OMITTED of all claims and all benefits plans by (“PBGC”) plan to Herbert McMillian -individual - Retiree of (TWA)”-**against**- the estate in above Case and **official record**. by Rule 3008 and 9024, which such local U.S. trustee -appointed under chapter 11 and **notifying**, the appropriate U.S. Attorney and designated Agent’s of FBI; of controversy

in a contested matters, to material factual issue. by Bankr. P Rule 9014 and 9027 and 28 USC- 586; and under section 18 USC -158 et seq. and 152 through 157 and 1001.

**Equity Relief Sought -against- all debtors, to Reinstate - Retroactive - Continue all Unpaid Benefits Plans due ,and own to retiree Herbert McMillian from 1979 and 2001 onward of all Legal Agreements between “obligor” TWA. Inc.& Parties.**

(2). Pension Benefits Guaranty Corporation (PBGC) plan is regulated by Title IV and **relief** in the Employment Retirement Income Security Act (ERISA) Plan in 1974 to protect retirement income. Under F.R.C.P. 8 and 29 USC- 1301 et seq. and section 1001 1131 and 1132 and Social Security Act(ADA) under Title IV -42 USC-12101 et seq..

(3). TRANS WORLD AIRLINES NON-CONTRACT RETIREMENT INFORMATION PACKAGE (PAMPHLET) including MANAGEMENT POLICY & PROCEDURE MANUAL. (“TWA, Inc.”) NYS Tax Id# 526976).

(4). Hartford Insurance Group, Inc. New York Policy Claims#302FC24899 under the NYS Workers’ Compensation Act / *Including* Annuity Contract / 401K.

(5). American Airlines Inc. agreement S.SS 363 Sale of Assets to American Airlines, Inc. Related Reorganization Matters and other agreed Employees Benefits plans.

(6). Payment of Insurance benefits to Retired Employees. Authorized of section 11 USC- 1114(a)(e)1); (f) **(g)** and **(i)** (j) (k)1) by authorized between the trustee and authorized by representative of the recipient and by Title VI section 608 paragraph 1 through 5 and section 3(a) modifies Public Law 99-591 and section 1129(a) as paragraph(13).

(7). TWA, Inc. Plan Administrator or authorized counsel’s or respective recipient parties interest Must **filed** with the above -Court a written response by affidavit to the objection, or admission, explaining his or her position, at addresses of the bankruptcy clerk’s office.

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(8). Debtors or authorized Counsel of Record by F.R.Civ.P 11; **83.5**. Must also mail a copy to Objector 's undersigned below address and others recipient parties interest within 48 hours, before a Hearing.

(9). (TWA, Inc.) Plan Administrator or officer's or Authorized Counsel's of Record or recipients parties in interest Must **attend** and **testify** at Omnibus Hearing on the OBJECTION, already scheduled to be held on date APRIL 17 , 2008 at 9:30 a.m. in Court Room 2, of the 6 Floor United States Bankruptcy Court, at 824 Market Street , Wilmington, Delaware 19899.or the Court shall scheduled evidentiary hearing at which witness(es) shall testify by Bankr. 9014(c)(d)(e) or 9015(a) -Jury- and Bankr. Code-102. If TWA ,Inc., Plan Administrator or the authorized counsel's do not take these steps, the Court may decide that you do not oppose the undersigned as paragraph 2 to 6 relating to all unpaid Benefits plan of "Disability claim" to Herbert Mc Millian, as Retiree Field Manager employee -individual of ("TWA, Inc") and as all parties are treated fairly and equity and others similarly situated. and/or Court may-Enter -Judgment as matter of law.

The undersigned for Creditor' s, reserve the right to commence a Criminal Procedure Pursuant to 18 USC- section 1001 et seq. - Grand Jury Proceeding and 29 USC- section 1001 et seq. and Relief 1132. **and** Civil Procedure by section 1131 of 29 USC- 1301 and Title IV. in (PBGC) plan and F.R.Civ..P. 38(b)- Jury Trial of Right, of all issues, all claims and other related statues and code of rules.

(10) The undersigned, acknowledged a Notice of Docketing Items (*attached*) also received (two) telephone call from John Kerns -appointed Mediator's on April 4, 2008 at 9:10 and 9; 30 a.m.and we converse, relating to **ADR**; -Jurisdiction- 28 USC-652(b)( c ).

(11). The undersigned conferred in good faith with debtors, debtors counsel of record, its recipients, parties interest to resolve disclosure and/or others controversy in a contested matters, to material factual issues; court's are required to resolve both legal and equitable claims or issues-present- in accordance with jury's resolution or verdict. [ by statute in F.R.Civ. P38(b) the undersigned request -the demand -be reinstated ].

**Wherefore**, undersigned, **prays** for the following separate **relief**;

DEFAULT JUDGMENT, as matter of law *enter*, in favor Herbert McMillian *-against-* TWA, Inc. its security holder,-agent (BMC) *Claim # 1006824 - Docket # 5853*; shall offer and to guarantee the purchase and payments of an annuity contract posted -bond -*value of collateral equity security* lump sum in Personal Injury [Suit], *\$25,000.000.00(Millions dollars )*; plus post judgment -22% interest; for all *past* and *future* unpaid " *Disability claims*" (PBGC) plans, in *full* ERISA plan Due and Owning; , from 1979 - Onward - and to liability; to damages; civil and criminal penalty and fines, costs as provided by plans and law and appropriate statutory authority; by prosecution costs and by jury costs.[ by 29 USC-589. and on bond. by 28 USC-1874 and 1961 and by Bankr.P.2002 ; 3008 **action**.

A). Referral: to proper U.S. Attorney - Judicial District , in **Prosecution**, - *-“bankruptcy crimes”*; on U.S. Court's ,such action; relating to undersigned; -unpaid- Pension Benefits Guaranty Corporation and *full* Employee Retirement Income Security Act. under F.R.C.P. 8(a) and 29 USC-1132 and 1301 et seq. 18 USC- 152 through 158.and 28 USC-586.

B). Transferring: change of venue of case under Chapter 11 by 28 USC-1412 to United States District Court / NYSD - 2<sup>nd</sup> Judicial District -Jury Administrator- by undersigned right to jury properly demanded be reinstate, regard to a personal injury on the job **arose**. and/or legal and equitable claims and issues must be submitted to jury for resolution with the verdict,, with respect to liability; to damages; under 28 USC-Civil 38(b) and 1874 -

**Dated:** April 07 , 2008

Respectfully Submitted in Good Faith

Objector - By: *Herbert McMillian*  
Herbert McMillian -Pro Se for Creditor's  
179-17 Anderson Road  
St. Albans, NY 11434  
(718)723-4693



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**Contact the above- undersigned with any questions or any relevant documents - requested.**

***DUTIES; OF THE APPROPRIATE CLERK, OR JUDGE OF COURT, OR U.S. TRUSTEE - APPOINTED IS RESPONSIBLE FOR SENDING A COPY OF THIS FORM NOTICE OF OBJECTION TO U.S. DEPARTMENT OF JUSTICE, OFFICE OF U.S. ATTORNEY GENERAL OF U.S. TRUSTEE PANEL SYSTEM FUND, AT WASHINGTON, D.C. AND NOTIFYING U.S. ATTORNEY'S - 3<sup>RD</sup> JUDICIAL DISTRICT / DE or U.S. ATTOTNEY'S -2<sup>ND</sup> JUDICIAL DISTRICT / NYSD - (Requested by Undersigned). By 28 USC-581(a)(2)(3) and 586(a)(3) (b) (B) and (F).and 589(a) and (589(b).***

**To: TWA.Inc. Post Confirmation Estate / Counsels /and 2002 Lists of Recipients**  
Pachulski, Stang, Ziehl,& Jones LLP and Michael J. Lichy - Plan Administrator  
Laura Davis Jones (Bar No.2436) Jill M. Farmer - General Counsel  
James E. O'Neill (Bar No.4042) TWA, Inc. Post Confirmation Estate  
919 North Market Street P.O Box 12247  
Wilmington, DE 19899-8705 Kansas City, MO 64152 and

Sean Allen, Chairman  
Bankruptcy Management Corp.( Equity Security Holder) -Agent)  
1330 East Franklin Ave (Claim # 1006824 and Docket No.5853 -uncontested).  
El Segundo, CA 90245

Mark S. Kenney, Esq.	and	Colm Connolly, Esq.
United States Trustee's -Panel		United States Attorney
Department of Justice		Department of Justice
844 King Street		1007 North Orange Street
Wilmington, DE 19801		Wilmington, DE 19801

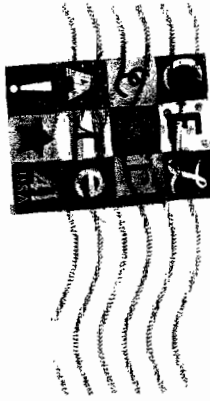
By; Bankr. P.2002 and 4001.(see; Affidavit / Certificate of Service with **notice** to parties.

**Material Witness - Judge's (under 28- 144 and 455 and F.R.Civ..P. 63 and Canon Code.**  
U. S. Bankruptcy Court/DE -Case No.01-56 -(Peter J .Walsh, Judge - Appointed  
U.S. Bankruptcy Court/DE - Appeal No.05-88 (Mary F. Walrath , Chief Judge  
U.S. District Court/DE -Case No. 06-44 ( Sue L. Robinson, Chief Judge  
U.S. Court of Appeals / PA -Docket No. 06-4450 (3 Panel Judge's) Mandate.  
**U.S. District Court / DE -Docket No.# 2 - Civil .Action No.08-180 and**  
**U.S. Bankruptcy Court / DE - Case No.01-56(PJW) -Appeal No.08-11 - Docket Items:**  
Referred to the Appellate Mediation Panel (attached) as Exhibit - B.

Herbert McMillian  
179-17 Anderson Road  
St. Albans, NY 11434

QUEENS NY 113

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Hon. Sue L. Robinson , Chief Judge  
United States District Court  
844 King Street  
Wilmington, DE 19801

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